



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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Contact: Maria Velasquez, Communications Director (619) 235-5725 mvelasquez@sanidiego.gov

FEDERAL COURT RULING SUBSTANTIALLY LIMITS OVERTIME PAY CLAIMS OF SAN DIEGO POLICE OFFICERS

San Diego, CA—The City will not be obligated to compensate San Diego Police officers for the alleged overtime they spend “donning and doffing” their police uniforms and safety equipment, a federal court has ruled. Today, the City partially prevailed when a federal court granted the City’s motion for summary judgment in the matter. A summary judgment is a legal procedure in which a court determines before trial whether or not there is any triable issue of fact or law. The court’s ruling reduces the City’s potential liability by millions of dollars.

The lawsuit, brought by approximately 1500 San Diego Police (SDPD) officers, was initially filed in 2005. The officers alleged that the City intentionally violated the federal Fair Labor Standards Act by not paying them all of their overtime pay. In the lawsuit, the officers claimed that they should have been paid for the time they spent during the last four years putting on and taking off their police uniforms and safety gear.

United States District Court Judge Dana Sabraw ruled that federal law does not require payment of overtime for the time spent by police officers changing into a police uniform and putting on police gear because the nature of police work does not require SDPD officers to perform these activities at work.. Judge Sabraw also ruled that the City qualifies for certain Fair Labor Standards Act exemptions from payment of the remaining overtime compensation claims brought by the police officers. The City also qualifies for certain offsets to any unpaid overtime based on excess contractual holiday and other special pay given to the officers.

Today’s decision follows previous rulings in which the federal court threw out the police officers’ claims for violation of California labor laws and their federal constitutional rights. The remaining overtime claims of the police officers deal primarily with uncompensated pre-shift and post-shift activities.

The lawsuit, entitled *Abbe v. City of San Diego*, is scheduled for a jury trial in September 2008. The remaining case against the City is being defended by Deputy City Attorney George Schaefer of the Office of the San Diego City Attorney, with assistance from outside counsel, Peter Benzian and Colleen Smith, of the law firm Latham & Watkins.

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